

### **REMARKS/ARGUMENTS**

The present paper is submitted in response to the Office Action of April 19, 2006. At that time, claims 1-27 were pending in the application. In the Office Action, the Examiner objected to the drawings and rejected claims 7 and 17 under the enablement requirement of 35 U.S.C. §112. Claims 9 and 10 were rejected as being indefinite under 35 U.S.C. §112. Claims 1, 4-11, and 14-20 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,613,704 issued to White Jr. et al. (hereinafter "White"). Claims 21 and 22 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,632,506 to Shellabarger (hereinafter "Shellabarger"). Claims 21-26 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,951,038 issued to Taguchi et al (hereinafter "Taguchi"). Claims 2, 3, 12, and 13 were rejected under 35 U.S.C. § 103(a) as unpatenable over White in view of Shellabarger. Claim 27 was rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,602,734 issued to Kithil (hereinafter "Kithil") in view of Taguchi.

By this paper, Applicants respond to these rejections. Favorable consideration and allowance of the claims is respectfully requested.

#### **I. Drawings**

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) as failing to show the features of claims 7 and 17. As a result of this paper, claims 7 and 17 have been cancelled. Withdrawal of this objection is respectfully requested.

#### **II. Rejection of Claims 7 and 17 Under 35 U.S.C. §112**

The Examiner rejected claims 7 and 17 as failing to satisfy the enablement requirements of §112. As a result of this paper, claims 7 and 17 have been canceled. Withdrawal of this rejection is respectfully requested.

#### **III. Rejection of Claims 9 and 10 Under 35 U.S.C. §112**

The Examiner rejected claims 9 and 10 as failing the definiteness requirement of §112. As a result of this paper, the claims have been amended to address this issue. Withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claims 1, 4-11, and 14-20 Under 35 U.S.C. §102 (b)**

The Examiner rejected claims 1, 4-11 and 14-20 under § 102(b) as being anticipated by White. This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

In the present case, independent claims 1 and 11 have been amended to recite that “the diffuser sleeve formed from a first sleeve wall and a second sleeve wall that contact each other, wherein an outlet port of the airbag inflator extends into the diffuser sleeve such that the diffuser sleeve directs inflation gas produced by the inflator.” Support for these claim elements are found throughout the specification including, for example, page 14, lines 9-13, page 15, lines 4-9, and page 16, lines 1-8.

These claim elements are not disclosed by White. Specifically, to the extent that White’s element “100” comprises a “diffuser sleeve,” Applicant submits that there is no disclosure in White regarding the first and second sleeve walls forming the diffuser sleeve, or that the sleeve directs inflation gas produced by the inflator. As White fails to disclose this element, White does not anticipate these claims under §102(b). Withdrawal of this rejection is respectfully requested.

With respect to dependent claims 4-11 and 14-20, these claims depend from either claim 1 or claim 11. Accordingly, these claims are similarly allowable for the same reasons as discussed in conjunction with the independent claims.

**V. Rejection of Claims 21-26 Under 35 U.S.C. §102(b)**

Claims 21 and 22 were rejected under §102(b) as being anticipated by Shellabarger. Claims 21-26 were rejected under §102(b) as being anticipated by Taguchi. Both of these rejections are respectfully traversed.

As noted above, a claim cannot be anticipated unless all of the claim elements are disclosed in the reference. *See* MPEP § 2131. In the present case, independent claim 21 has been amended to recite “the diffuser sleeve formed from a first sleeve wall and a second sleeve wall that contact each other, wherein an outlet port of the airbag inflator extends into the diffuser sleeve such that the diffuser sleeve directs inflation gas produced by the inflator.” Such claim elements are not disclosed by either Taguchi or Shellabarger. Accordingly, for this reason, neither of these references anticipate claim 21 under § 102(b). Withdrawal of this rejection is respectfully requested.

With respect to claims 22-26, these claims depend from independent claim 21, and are thus allowable for the same reasons as claim 21. Withdrawal of these rejections is respectfully requested.

**VI. Rejection of Claims 2, 3, 12, and 13 Under 35 U.S.C. §103(a)**

The Office Action rejected claims 2, 3, 12, and 13 under §103(a) as being unpatentable over White in view of Shellabarger. This rejection is traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must

both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

In the present case, claims 2 and 3 depend from independent claim 1 which recites the claim element that "the diffuser sleeve formed from a first sleeve wall and a second sleeve wall that contact each other, wherein an outlet port of the airbag inflator extends into the diffuser sleeve such that the diffuser sleeve directs inflation gas produced by the inflator." Claims 12 and 13 depend from claim 11 which also recites identical claim language. As noted above, this claim language is not disclosed or taught by either White or Shellabarger. Accordingly, all of these claims, including claims 2, 3, 12, and 13, are patentable over these references. Withdrawal of these rejections is respectfully requested.

#### **VII. Rejection of Claim 27 Under 35 U.S.C. §103(a)**

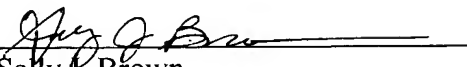
The Office Action rejected claim 27 as unpatentable over Kithil in view of Taguchi. Claim 27 depends from independent claim 21. As described above, claim 21 recites claim language that the diffuser sleeve formed from a first sleeve wall and a second sleeve wall that contact each other, wherein an outlet port of the airbag inflator extends into the diffuser sleeve such that the diffuser sleeve directs inflation gas produced by the inflator." This language is not disclosed or taught by either Kithil or Taguchi. Accordingly, claim 27 is allowable over these references. Withdrawal of this rejection is respectfully requested.

#### **VIII. Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Appl. No. 10/668,719  
Response dated July 18, 2006  
Reply to Office Action of April 19, 2006

Respectfully submitted,

  
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Date: July 18, 2006

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